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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/781,325

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Jussi Piispanen

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08/28/2006

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EXAMINER

LIN, KENNY S

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/781,325

Applicant(s)

PIISPANEN ET AL.

Examiner

Kenny Lin

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 1-6 and 8-30 are presented for examination. Claim 7 is canceled.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 and 8-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (hereinafter AAPA), in reference to SyncML Initiative (including standards and specifications for SyncML, SyncML Representation Protocol, and SyncML Sync Protocol, SyncML Device Management Protocol).

4. SyncML Initiative was cited by the applicant in the IDS.

5. As per claim 1, AAPA taught the invention substantially as claimed including a method, comprising:

- a. A first device preparing a message including information indicating a folder useable for storing data in a data store of the first device (page 5, lines 28-34, page 6, lines 1-24, page 7, lines 8-12), wherein the message includes a header and a body, each in turn comprising one or more elements, with the body element

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useable for providing commands in connection with synchronizing the first data stored with respect to a data store in another device and also useable for conveying data from the data store (page 1, lines 17-24, page 6, lines 12-18); and

- b. The first device sending the message to the other device (page 5, line 32-34, page 6, lines 1-24, page 9, lines 21-24).

6. As per claims 15 and 25, AAPA taught the invention substantially as claimed including a device, comprising:

- a. A data store, for storing folders useable for storing data (page 1, lines 24-30, page 5, lines 23-24); and
- b. Means for preparing a message including information indicating a folder in the data store (page 5, lines 28-34, page 6, lines 1-24, page 7, lines 8-12), wherein the message includes a header and a body, each in turn comprising one or more elements, with the body elements useable for providing commands in connection with synchronizing the data store with respect to another data store in a second device and also useable for conveying data from the data store (page 1, lines 17-24, page 6, lines 12-18).

7. AAPA did not specifically teach that said information indicating the folder of the data store uniquely identifies the folder and is placed in the message in an element different from where data of the data store is placed or would be placed if included in the message. However, SyncML Initiative taught that the information indicating the folder of the data store uniquely

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identifies the folder and is placed in the message in an element different from where data of the data store is placed (part of the standard, SyncML Representation Protocol. SyncML Sync Protocol: Sync Initialization). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of AAPA and SyncML Initiative since applicant's disclosure does not vary from the SyncML Initiative (including standards and specifications for SyncML, SyncML Representation Protocol, and SyncML Sync Protocol, SyncML Device Management Protocol). The SyncML Message is an individual XML document consisting of one or more elements each of one or more element types. The document consists of a header, specified by the SyncHdr element type, and a body, specified by the SyncBody element type. The SyncML header specifies routing and versioning information about the SyncML Message. The SyncML body is a container for one or more SyncML Commands. The SyncML Commands are specified by individual element types. The SyncML Commands act as containers of other element types that describe the specifics of the SyncML command, including any data or meta-information. It is obvious that the data and meta-information are placed in different location in the message (see SyncML Sync Protocol: Sync Initialization: Alert command for authentication and indication of which folder to be synchronized and Put and Get commands for conveying the data). Furthermore, it would have been obvious to combine the teachings of AAPA and SyncML Initiative since applications admitted that SyncML is an open industry standard for a common language for universal synchronization of remote data for synchronizing data stored and transferring management actions (see page 2, lines 10-34, page 3, lines 1-19, page 4, lines 3-7, page 6, lines 12-34, page 7, lines 1-25).

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8. As per claim 2, AAPA further disclosed the element where the information indicating the folder is placed in a field of the message (part of the standard, SyncML Representation Protocol).

9. As per claim 3, AAPA further disclosed data of the data store is placed or would be placed in a data element of the message (page 7, lines 18-25, page 8, lines 30-34, page 9, lines 1-7, it is obvious that a data, if it would be place, would be placed in a data element).

10. As per claim 4, AAPA further disclosed that the data element is a data element of a protocol command element (page 7, lines 18-25, page 9, lines 12-17).

11. As per claims 5-6, AAPA further disclosed the information indicating the folder is included in a non-data element of the message and wherein the non-data element is a non-data element of a protocol command element (page 9, lines 12-17, it is also obvious within the SyncML Representation Protocol that “meta-data” would be placed in a non-data element).

12. As per claim 8, AAPA further disclosed a data identification element is contained in a protocol command element in the message, and the protocol command element in combination with the data identification element indicates the folder of the data store of the first device (page 7, lines 8-14, page 9, lines 8-11, it is also obvious within the SyncML Representation Protocol that the SyncML message contains the SyncML command, as well as the related data and meta-information).

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13. As per claim 9, AAPA further disclosed a data identification element is included in the message and the information indicating the folder of the data store of the first device is provided in the data identification element (page 6, lines 02-24, page 7, lines 8-14, page 9, lines 21-24, it is also obvious within the SyncML Representation Protocol that the SyncML message contains the SyncML command, as well as the related data and meta-information).

14. As per claim 10, AAPA further disclosed that the first device functions as a client in a client-server protocol and the second device as a server in the client-server protocol (page 1, lines 17-34, page 2, lines 1-9).

15. As per claim 11, AAPA further disclosed the first device functions as a server in a client-server protocol and the second device as a client in the client-server protocol, and in preparing the message the first device is responsive to a client message from the second device and includes resolving any conflicts posed by the client message in respect to the data stored of the first device (page 1, lines 17-34, page 2, lines 1-9).

16. As per claim 12, AAPA further disclosed the data in the data stores are for device management by applications hosted on the devices (page 2, lines 30-33, SyncML device management protocol).

17. As per claim 13, AAPA further disclosed the data in the data stores are used as user data by applications hosted on the devices (page 1, lines 31-34, page 2, lines 1-9).

18. As per claim 14, AAPA and SyncML Initiative inherently disclosed a computer program product comprising: a computer readable storage structure embodying computer program code thereon for execution by a computer processor, with said computer program code characterized in that it includes instructions for performing the steps of the method of claim 1.

19. As per claims 16 and 26, AAPA further disclosed that the device is either a wireless communication or a wireline communication terminal (page 1, lines 17-24, page 2, lines 21-29).

20. As per claims 17 and 27, AAPA further disclosed that the device is configured to function as a client in a client-server model (page 1, lines 17-30).

21. As per claims 18 and 28, AAPA further disclosed that the device is configured to function as a server in a client-server model, and further comprises means for receiving a request to synchronize from the second device, and for then sending the message in response to the request to synchronize (part of sync SyncML protocol).

22. As per claims 19 and 29, AAPA further disclosed that further comprising means for receiving from the second device a message including information indicating a folder in the other data store, wherein the message includes a header and a body, each in turn comprising one or more elements, with the body elements useable for providing commands in connection with synchronizing the other data store with respect to the data store in the device and also useable for



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conveying data from the other data store (page 1, lines 17-24, page 5, lines 28-34, page 6, lines 1-24, page 7, lines 8-12), and wherein the device is configured to function as a server in a client-server model and includes means for resolving conflicts posed by the message (page 1, lines 17-34, page 2, lines 1-9).

23. As per claims 20 and 30, AAPA further disclosed that the data in the data store is used for device management by applications hosted on the device (page 2, lines 30-33, SyncML device management protocol).

24. As per claim 21, AAPA further disclosed that the data in the data store is used as user data by applications hosted by the device (page 1, lines 31-34, page 2, lines 1-9).

25. As per claim 22, AAPA disclosed a system, comprising a device according to claim 15, and also comprising the second device hosting the other data store (page 1, lines 17-34, page 2, lines 1-9).

26. As per claim 23, AAPA further disclosed that the device is configured to function as a server in a client-server model and the second device functions as a client in the client-server model (page 1, lines 17-34, page 2, lines 1-9).

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27. As per claim 24, AAPA further disclosed that the device is configured to send the message to the second device in response to a request sent by the second device to synchronize to the second device (part of sync SyncML protocol).

28. Applicant's arguments filed 6/15/2006 have been fully considered but they are not persuasive.

29. In the remark, applicant argued that (1) there is no teaching in SyncML Representation Protocol that “information indicating the folder of the data store uniquely identifies the folder and is placed in the message in an element different from where data of the data store is placed or would be placed if included in the message”.

30. Examiner traverse the argument that:

As to point (1), session 4, Sync Initialization of SyncML Sync Protocol of SyncML Initiative shows the use of Alert command (e.g. element) for authentication and indication of which database to be synchronized and Put and Get commands (e.g. different elements from Alert command) for conveying the data. This clearly shows the claimed limitation of “information indicating the folder of the data store uniquely identifies the folder and is placed in the message in an element different from where data of the data store is placed or would be placed if included in the message”.

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31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

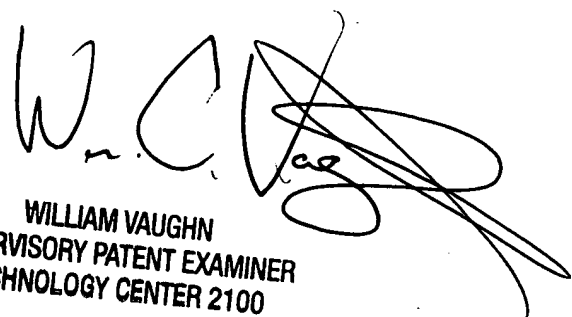
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl

August 21, 2006

  
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